

SPECIAL

BOSTON MUNICIPAL RESEARCH BUREAU
24 Province Street, Boston, Massachusetts 02108 (617) 227-1900

REPORT

October 6, 2000

No. 00-2

HIRING FLEXIBILITY NEEDED IN BTU CONTRACT*Internal Hiring Process Too Rigid, Remains Key Obstacle to School Reform*

A common complaint among Boston's school leaders is the lack of flexibility to assemble their own teaching staff on a timely basis. The problem is rooted in the Boston Teachers Union (BTU) contract that contains hiring and transfer procedures that no longer support the goals and objectives of the Boston Public Schools (BPS). High academic standards imposed by the Education Reform Act has led the BPS to change virtually all aspects of what students must know and how they should be taught. Unprecedented teamwork among principals and teachers is now necessary if students are to learn the curriculum, pass the MCAS tests and earn a high school diploma. Too many students are neither being prepared to pass these tests nor building the skills required for jobs in today's economy. While teaching objectives and methods have changed, the process used to hire teachers has not. This *Special Report*, Part 1 of a two-part series on the BTU contract explains why the existing process for filling teacher vacancies should change. Part 2 will describe and evaluate the changes negotiated in the new contract and its cost implications once approved.

The teachers contract still focuses far more on process rather than flexibility and team-building. As a result, the contract still requires principals and schools to select internal applicants who may be unwilling or unable to implement new teaching strategies key to individual school reform plans. The contract still allows for bumping, where provisional teachers, regardless of performance, may be removed from a position by a more senior teacher. Finally, it still favors a small percentage of internal candidates over thousands of outside applicants by prohibiting public advertisement of teaching jobs, with limited exceptions, until the summer. The Bureau recommends that a new contract should streamline this process to allow schools to recruit and interview any candidate beginning in March and offer positions in April. The union has threatened to strike if a settlement is not reached by October 11.

CHANGES ON THE HORIZON

The City's teaching workforce will undergo a dramatic change over the next few years just as state test scores play a larger role in graduation. A more flexible hiring system is required to meet future academic needs of all students.

Boston needs to replace 3,500 or 78% of its current teaching staff over the next 10 years due to expected retirements. The average age of a Boston teacher is 55.

73% of BPS 10th grade students failed the MCAS math test and 55% failed the reading test. These students must pass both tests by 2003 to earn a high school diploma.

How Will Contract Changes Impact Teachers?

The BTU claims that changing the hiring process threatens job security for all teachers. Seldom mentioned is how few teachers actually benefit from the current transfer process. This year, of the 4,500 permanent teachers, only 41 teachers transferred to vacancies in March and only 159 teachers without positions transferred to vacancies by June 1, for a total of 200 teachers or 4% of the total. In 1999, the total was 229 and in 1998 it was 208 teachers. Meanwhile, over 300 teaching

vacancies remained unfilled in August. Streamlining the process would not result in any teacher being laid-off or having his/her salary reduced. Instead, it would provide schools more flexibility to recruit and retain the best teachers earlier in the spring. Most area school districts interview external candidates in March. In addition to contract changes, the BPS should restructure its human resources function, which is needed to implement the next contract more effectively. The BPS should also fortify principal training in teacher evaluation and consensus management.

Mapping the Process

The process of filling teacher vacancies takes nine months to complete, involves three major transfer rounds, two minor rounds, and over 60 different procedural steps. Through the years, layers have been added, altered or removed altogether. While positive changes have been made (open posting added in 1994 and blind bidding removed in 1997), the contract still upholds procedural barriers that prevent schools from offering jobs to applicants from outside the BPS in a timely manner. Many steps generate burdensome paperwork that can delay hiring decisions, including teacher bidding procedures. The narrative below summarizes the different rounds and steps and a flow chart depicting the process is attached.

March Transfer Period: Round 1

On March 1, the BPS internally posts about 500 teaching vacancies that will be vacant in the upcoming school year. These "vacancies" include about 300 positions held by provisional teachers and about 200 created by new enrollment needs, retirements and basic attrition. Senior teachers have the right to bump first, second and third-year provisional teachers from their jobs through the transfer process. Second and third-year provisional teachers can only apply for their own positions in the transfer process. Since first-year provisionals cannot apply even for their own job, they often must wait until June to confirm if they retained a teaching position. Approximately 50 provisionals are bumped each year, including new college graduates and experienced teachers from other districts who recently entered the BPS workforce. If a principal wants to protect a promising first-year teacher from being bumped, the only alternative is to grant expedited tenure. The BPS, understandable, is reluctant to grant permanent status at this point since a principal usually has supervised the teacher for only four or five months.

OPEN-POSTING Restricted Flexibility Offered

When the open posting hiring process was negotiated in 1994, City and union leaders called it "groundbreaking". For the first time, schools could reject internal candidates and interview outside applicants for certain teaching positions before June 1. However, in practice, open posting has proven to be a cumbersome process that can overwhelm a principal with technicalities and grievances.

Open posting gives a school authority to reject all Round 1 internal applicants, and instead interview outside candidates in April and offer a job before June. To be eligible, these positions must meet certain job-related requirements and be approved by February 15 by 60% of the affected school faculty. Generally, these positions require a combination of skills not held by current BPS teachers.

How a principal writes a job description or adheres to the contract's procedural requirements is subject to vigilant union scrutiny. According to the BPS, the union typically challenges two-thirds of open-posted jobs each year claiming that the job wasn't "unique" enough to qualify for a vote or that principals missed the voting deadline. These grievances are filed even if a school faculty approves an open posting by satisfying the 60% vote requirement.

For the union, the issue often comes down to jobs. If a faculty disapproves an open posting, or if a 60% approval vote is over-ruled by a subsequent grievance, all outside applicants are eliminated and the position must be filled by an internal applicant. While about 100 positions are filled using open-posting each year, more than half were located in six schools.

By April, school-based hiring committees receive applications and interview the approximately 150 internal teachers who responded to the March 1 posting. Each hiring committee includes two teachers,

one parent and the principal. The committee may select the best-qualified applicant regardless of seniority, but must offer one of the teachers the position. If only one internal teacher applies, that person must be offered the position. If a vacancy attracts no teachers or if all internal applications are withdrawn, the position must be filled through the internal excess pool in Round 2. At no time may a committee interview an outside applicant if members conclude that none of the internal candidates possess the skills or temperament considered a good fit for the school. One internal candidate must be selected nevertheless. Round 1 typically is completed by late April.

The Excess Pool: Round 2

Round 2 or the “excess pool”, should begin in late April, but administrative problems combined with union grievances often delay it for several weeks. Round 2 offers a school the least amount of control and choice to select a candidate. Unlike transfer applicants in Round 1 who hold active BTU positions, most excess pool candidates need a position. The excess pool is where all unassigned teachers are held until a new position can be identified for them. Teachers who have positions but are seeking another opportunity to transfer may use the excess pool as a guaranteed way to change jobs.

Teachers in the excess pool, in order of seniority, can each submit three bids for positions at three different schools. Once a vacancy receives three qualified bids, it is closed to all other applicants. Every teacher that applies must receive one of his or her bids. Thus, if none of the three schools select a teacher, the system must place that teacher in one of the three positions. Teachers who have positions have fallback rights and can decide whether to accept the excess pool jobs or return to their existing position.

There are generally 150 excess pool candidates each year. These candidates could be returning from long-term leave, bumped by a more senior teacher during Round 1, or laid-off due to school budget constraints or enrollment shifts. Others volunteer to leave their position and enter the excess pool for a variety of reasons, including performance. Teachers on leave for less than a year, including maternity leave, are not impacted; they do not need to enter the excess pool since they have attachment rights and must be given the position they left behind.

There are occasions when the BPS knows there are not enough qualified excess pool candidates to fill known vacancies. Thus, outside candidates will be needed and recruiting can start earlier. However, the contract requires that these jobs be held through the excess pool and advertised again on June 1 before an outside candidate is interviewed and offered the position. The excess process usually takes 4-6 weeks to complete.

BIDS, PAPERWORK & DELAY

There are many steps in the BPS hiring process that require the district to complete burdensome paperwork that delays final hiring decisions. If the process was streamlined, management could focus more of its attention on recruiting and hiring the best teachers.

For instance, all permanent teachers are allowed to make up to five bids to fill 500 Round 1 vacancies. Every March about 200 candidates file 500-650 bids. HR must check the qualifications and certification of each applicant before interviews can begin. Due to various problems, HR rejects about 200 bids every year.

Even the interview process is time consuming since teachers are allowed to make a final decision at the last minute, individually holding up as many as five schools. Thus, while competing districts may offer a candidate a job, BPS staff is focused on checking paperwork and conducting internal interviews.

Further delaying the process is the fact that as many as 60% of the Round 1 vacancies never receive a single applicant. These schools must wait until Round 2 in April to get a second shot at filling a position. If still no one applies, the school must wait until June to publicly advertise the position and interview outside applicants.

Summer Hiring: Round 3

All new or remaining vacancies left after the completion of Rounds 1 and 2 must be posted on a June 1 circular. At this time, six months into the process, a hiring team is allowed to recruit and interview candidates from outside the BPS to fill a teaching vacancy. In the last three years, 250-350 vacancies have remained vacant on June 1. These jobs are advertised using mailings, the Internet, and local and national newspapers. While Round 3 offers schools the most flexibility of any other round, principals must still deal with some hiring and transfer rights guaranteed in the teachers' contract. Upon their request, current BPS teachers are mailed notices through the summer and may apply for any vacancy. Some teachers requested interviews for these jobs in March, before they became vacant. According to the contract, a permanent teacher may apply for a non-vacant position in March in the hope that it will open up by the beginning of the next school year. These "wish-list" candidates are not guaranteed the position, but they must be offered an interview. Principals and hiring committees also must give first consideration of all vacancies to qualified paraprofessionals recommended by the central office. In each of the last three years, the BPS has had to fill about 300 teaching positions during the summer. Filling these positions with the best teachers is made more difficult by the fact that most of the surrounding school districts are able to make job offers several months before the BPS.

Management Problems

The rigid staffing rules in the BTU contract are not the only factors that impede timely hiring of the best teachers. The BPS has not effectively executed provisions negotiated in past contracts. Deadlines to post vacancies are often missed, record keeping is inadequate, important data to help manage the process is not collected and training for principals and headmasters has only improved in the last few years. The BPS recently hired a new Human Resource Director, who is now implementing a reorganization plan to address these and other issues. Improvements to the teacher performance evaluation system would have the most immediate and profound impact on the transfer process. Under the current BTU contract, a teacher loses transfer rights if given an unsatisfactory evaluation. However, efforts to get around this language are common, resulting in poor performing teachers being transferred to another school with a satisfactory evaluation. Also, loss of transfer rights does not take effect until the year after the evaluation since it is released in May, after the excess pool begins.

Conclusion

A minute's review of the enclosed flow chart of the teacher hiring process in Boston makes it clear that the outmoded work rules in the BTU contract require too many steps, create too many obstacles and do not open up the process to outside candidates early enough to enable the schools to select the best teachers early in the spring. The hiring process should be opened up to all teaching applicants on March 1 and school hiring teams should be able to select the best teachers early enough to be competitive with neighboring districts. First-year provisional teachers should be able to apply for their own position in March. If only three permanent teachers apply to a vacancy, the school hiring teams should not be required to select one candidate but be free to select the best teacher from inside or outside the district. Teachers should be evaluated on an interim basis before March 1 and those receiving an unsatisfactory rating should not be allowed to enter the excess pool.

Related administrative changes should be implemented to ensure that the BPS receives the maximum benefit of the contract reforms that are negotiated. The human resources function of the BPS should be strengthened so that the hiring, transfer, evaluation and accountability processes are efficiently managed. Principals and Headmasters should receive more support and training to help them effectively evaluate teacher performance and exercise consensus management.